

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10732

Micheal Caputo

v.

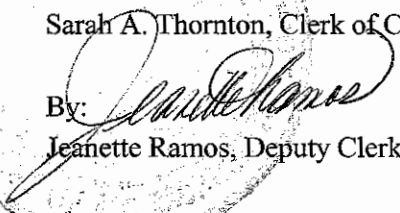
Kenneth Nelson

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 1/3/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 10, 2006.

Sarah A. Thornton, Clerk of Court

By: 
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: 1/11/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10732-JLT**

Caputo v. Nelson
Assigned to: Judge Joseph L. Tauro
Cause: 28:2271 Federal Tort Claims Act

Date Filed: 04/12/2004
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: U.S. Government
Defendant

Petitioner

Michael P. Caputo

represented by **John J. Courtney**
Law Office of John J. Courtney
90 Salem Street
Malden, MA 02148-5213
617-321-5700
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Kenneth Nelson
*Superintendent, Bridgewater
State Hospital*

represented by **Maura D. McLaughlin**
Office of the Attorney General
Criminal Bureau, Appellate
Division
One Ashburton Place, 18th Floor
Boston, MA 02108
617-727-2200, ext 2857
Fax: 617-727-5755
Email:
maura.mclaughlin@ago.state.ma.us

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

04/12/2004	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 55144, filed by Michael P. Caputo.(Abaid, Kim) (Entered: 04/14/2004)
04/12/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Abaid, Kim) (Entered: 04/14/2004)
04/12/2004	<u>2</u>	MOTION for the petitioner to be present at the Hearing re <u>1</u> Petition for writ of habeas corpus (28:2254) by Michael P. Caputo.(Abaid, Kim) (Entered: 04/14/2004)
04/12/2004	<u>15</u>	MEMORANDUM OF LAW by Michael P. Caputo re <u>1</u> Petition for writ of habeas corpus (28:2254). (Abaid, Kim) (Entered: 10/05/2005)
04/21/2004	<u>3</u>	Judge Joseph L. Tauro : ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Abaid, Kim) (Entered: 04/21/2004)
04/21/2004	<u>4</u>	Judge Joseph L. Tauro : ORDER entered REFERRING CASE to Magistrate Judge Robert B. Collings Referred for: Report and Recommendations on 2254 Petition.(Abaid, Kim) (Entered: 04/21/2004)
04/23/2004		Return receipt received for mail sent to Kenneth Nelson Delivered on April 22, 2004. (Abaid, Kim) (Entered: 04/26/2004)
04/27/2004		Return receipt received for mail sent to Pamela Hunt, C/O Attorney General's Office Delivered on April 23, 2004 (Abaid, Kim) (Entered: 04/28/2004)
05/11/2004	<u>6</u>	Amendment to be included with <u>2</u> MOTION for Hearing re <u>1</u> Petition for writ of habeas corpus (28:2254), and <u>1</u> Petition for writ of habeas corpus (28:2254) by Michael P. Caputo. (Abaid, Kim) (Entered: 05/18/2004)
05/12/2004	<u>5</u>	MOTION for Extension of Time to June 12, 2004 to File Response/Reply as to <u>1</u> Petition for writ of habeas corpus (28:2254) by Kenneth Nelson.(Abaid, Kim) (Entered: 05/17/2004)
05/18/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered

		granting <u>5</u> ASSENTED-TO MOTION for Extension of Time to June 14, 2004 to File Response to Petition for writ of habeas corpus (28:2254). (Dolan, Kathleen) (Entered: 05/18/2004)
06/16/2004	<u>7</u>	Supplemental ANSWER to Complaint by Kenneth Nelson. (Abaid, Kim) (Entered: 06/16/2004)
06/16/2004	<u>8</u>	ANSWER to Complaint by Kenneth Nelson.(Abaid, Kim) (Entered: 06/16/2004)
06/16/2004	<u>9</u>	MEMORANDUM OF LAW in opposition to <u>1</u> Petition for writ of habeas corpus (28:2254) by Kenneth Nelson. (Abaid, Kim) (Entered: 06/16/2004)
06/17/2004	<u>10</u>	Judge Robert B. Collings : PROCEDURAL ORDER entered. (Dolan, Kathleen) (Entered: 06/17/2004)
06/17/2004	<u>11</u>	Judge Robert B. Collings : ORDER STRIKING PRO SE PLEADING DOCKETED AS #6 entered.(Dolan, Kathleen) (Entered: 06/17/2004)
06/22/2004	<u>12</u>	MOTION for Extension of Time to August 16, 2004 to File Response/Reply as to <u>9</u> Memorandum of Law by Michael P. Caputo.(Abaid, Kim) (Entered: 06/23/2004)
06/28/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered granting <u>12</u> Motion for Extension of Time to File Response/Reply to August 16, 2004. (Dolan, Kathleen) (Entered: 06/28/2004)
08/16/2004	<u>13</u>	MEMORANDUM OF LAW by Michael P. Caputo in Support Of <u>1</u> Petition for writ of habeas corpus (28:2254). (Abaid, Kim) (Entered: 08/16/2004)
10/04/2004	<u>14</u>	Letter re Notice of Appeal from Michael Caputo. (Abaid, Kim) (Entered: 10/05/2004)
02/10/2005		Judge Joseph L. Tauro : Electronic ORDER entered reserving ruling on <u>2</u> Motion for Hearing (Lovett, Zita) (Entered: 02/10/2005)
02/10/2005		Motions terminated: <u>2</u> MOTION for Hearing re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Michael P. Caputo,. (Lovett, Zita) (Entered: 02/10/2005)
11/07/2005	<u>16</u>	Judge Robert B. Collings : ORDER STRIKING PRO SE PLEADING DOCKETED AS #14 entered. (Dolan, Kathleen) (Entered: 11/07/2005)

11/10/2005	<u>17</u>	Judge Robert B. Collings : REPORT AND RECOMMENDATIONS re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by Michael P. Caputo; Recommendation: Petitioner's Writ of Habeas Corpus be DISMISSED. Objections to R&R due by 11/28/2005.(Dolan, Kathleen) (Entered: 11/10/2005)
11/10/2005		Case no longer referred to Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 11/10/2005)
11/22/2005	<u>18</u>	OBJECTION to <u>17</u> Report and Recommendations filed by Michael P. Caputo. (Abaid, Kim) (Entered: 11/28/2005)
12/05/2005		Judge Joseph L. Tauro : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>17</u> Report and Recommendations, Action on motion: (Abaid, Kim) (Entered: 12/05/2005)
12/05/2005	<u>19</u>	Judge Joseph L. Tauro : ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Abaid, Kim) (Entered: 12/05/2005)
12/22/2005	<u>20</u>	MOTION for Certificate of Appealability by Michael P. Caputo.(Abaid, Kim) (Entered: 12/28/2005)
01/03/2006	<u>21</u>	NOTICE OF APPEAL as to <u>19</u> Judgment by Michael P. Caputo. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/23/2006. (Abaid, Kim) (Entered: 01/03/2006)
01/04/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>20</u> Motion for Certificate of Appealability (Abaid, Kim) (Entered: 01/04/2006)
01/09/2006	<u>22</u>	Letter from Michael Caputo. (Abaid, Kim) (Entered: 01/10/2006)